

Ordinance #2015-08

**AN ORDINANCE AMENDING CHAPTER 1 OF THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF LOWER**

WHEREAS, Article III, Section 1-21 Schedule B of the Revised General Ordinances of the Township of Lower governs general penalties for certain non-traffic violations; and

WHEREAS, the Township of Lower, at the direction of the Municipal Solicitor, has determined that said Ordinance, specifically Schedule B, must be modified, to reset certain penalties for non-traffic ordinance violations and those requiring mandatory court appearances.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Lower Council, County of Cape May, State of New Jersey as follows:

Section 1. Section 1-21 Mandatory Minimum Fines or Penalties

- A. The following mandatory minimum fines or penalties are hereby established for the offenses described for traffic violations marked Schedule A

**Schedule A
Mandatory Penalties for Traffic Violations**

Code Section	Description	Penalty
7-3.3	Parking prohibited - all times	\$50
7-3.3 through 7-4.3	Parking prohibited - certain streets	\$50
7-4.1	Trucks limited (over 4 tons) on streets	\$100
7-4.3	Limited overnight parking	\$100
7-4.3(c)	Minimum penalty 1st offense	\$100
7-7	Loading zone	\$50
7-10	No left turn	\$50
467-3	Handicapped parking	\$100
467-4	Towing/handicapped parking space	\$25
607-4	Parking restrictions (North Cape May Shopping Center)	\$100
607-5	Speed limit within parking area (North Cape May Shopping Center)	\$75
Ch. 617, Art. III	Parking of detachable trailers	\$25

- B. The following mandatory minimum fines or penalties are hereby established for the offenses described for non-traffic offenses marked schedule B. Mandatory court appearances shall be required for those offenses so noted on the list marked schedule B

**Schedule B
Mandatory Penalties for Non-traffic Offenses**

Code Section	Description	Penalty
157-1	Possession/consumption of alcoholic beverage in public	\$150
157-2	Regulate off-premises sales of alcoholic beverages	Mandatory court appearance
166-1B	Dog running loose	\$100
166-2A	Dog license required	\$100
166-4	Defecation on public or private property (dogs)	\$100
178-3A	Beach playing games	\$30
178-3B	Littering on beach	\$100

Schedule B
Mandatory Penalties for Nontraffic Offenses

Code Section	Description	Penalty
178-3C	Changing clothing on beach/in automobile	\$100
178-3D	Possession/consumption of alcohol beverage on beach	\$150
178-3E	Disturbing the public peace on beach	\$30
178-3F	Offensive behavior on beach	\$75
178-3G	Damage, destruction, and removal of Township property	\$100
178-3H	Removing or damaging vegetation/sand from Dunes	\$100
178-3I	Trespassing upon Dunes	\$100
178-5A&B	Operation of motor vehicle on beach	\$150
178-5C	Occupancy of motor vehicle on beach	Mandatory court appearance
178-6A	Permitting any animal to run loose on beach	\$100
178-6B	Animals on beach between 11am and 4pm	\$100
178-6D	Failing to dispose of animal droppings on beach	\$100
178-7A	Open flames on beach	Mandatory court appearance
178-7B	Fireworks and/or explosives on beach	Mandatory court appearance
178-7C	Possession of a destructive device or weapon on beach	Mandatory court appearance
178-9A	Post, paint, affix, distribute, place, cast or leave any bill, billboard, placard, ticket, handbill, circular, or advertisement on the beach without Township approval	\$150
178-9B	Operate a musical instrument or soundtrack on the beach for advertising or entertainment purposes	\$150
178-9C	Hold or conduct political events on the beach	\$150
178-9D	Expose, offer, or sell any article without a license on the beach	\$150
185-2	Obnoxious brush, weeds, garbage and similar matter	Mandatory court appearance
230-2	Loitering in public places	Mandatory court appearance
230-3	Indecent or profane language	Mandatory court appearance
230-4	Throwing stones or missiles	Mandatory court appearance
230-5	Mutilating property	Mandatory court appearance
230-6	Indecent exposure	Mandatory court appearance

Schedule B
Mandatory Penalties for Nontraffic Offenses

Code Section	Description	Penalty
230-7	Permitting noisy/disorderly conduct	Mandatory court appearance
230-8	Permitting smoke or fumes	Mandatory court appearance
230-9	Obstructing streets or sidewalks	Mandatory court appearance
230-10	Starting fires	Mandatory court appearance
230-11	Obstructed view at corners	Mandatory court appearance
273-1	Drug paraphernalia	Mandatory court appearance
351-19C(2)(a)	Illegal passage across sand dune by foot or vehicle	\$200
400-57C	Parking of commercial vehicles in residential zone	\$150
419-2	Littering/rubbish prohibited	\$100
419-3	Proper placement of litter in receptacles	\$100
419-4	Sweeping of litter restricted; clearing of sidewalks	\$100
419-6	Throwing litter from vehicles prohibited	\$250
419-7	Litter and dirt from vehicles prohibited	\$250
419-8	Distribution of commercial handbills	\$150
419-9	Distribution of noncommercial handbills	\$150
419-10	Commercial handbills in or upon vehicles	\$150
419-11	Distribution of handbills on vacant premises	\$150
419-13	Posting notices on public property prohibited	\$150
419-14	Litter and compost on private property	Mandatory court appearance
419-15	Maintenance of private property litter free	Mandatory court appearance
Ch. 432	Regulations for mercantile licenses	\$100
441-6B(4)	Loading/unloading boxes, crates, containers, etc., between hours of 10:00 p.m. and 8:00 a.m.	\$150
459-3	Delinquency of a minor	Mandatory court appearance
Ch. 500		
302.1 ^(a)	Failure to remove debris	\$50

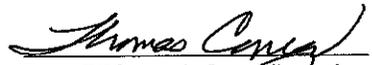
Schedule B
Mandatory Penalties for Nontraffic Offenses

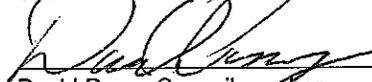
Code Section	Description	Penalty
302.4 ⁽¹⁾	Failure to cut grass or weeds	\$50
564-4	Solicitation without a permit	Mandatory court appearance
570-4A(2)	Trash placed at curb before allowed times	\$50
570-10	Failure to separate recyclable items from trash	\$150
617-2	Storing trailer within six feet of property line	\$100
617-3	Storing trailer closer to street than house	\$100
617-11	Parking trailer	\$100
633-2	Storage of motor vehicle on private property	Mandatory court appearance
647-1	Operation of unlicensed motor vehicle	Mandatory court appearance

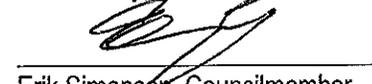
Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall become effective immediately upon final passage and publication, according to law.

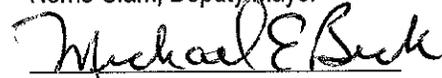

Thomas Conrad, Councilmember

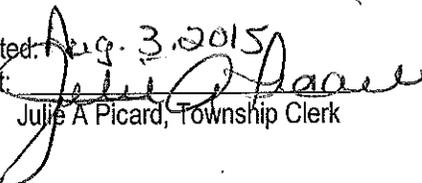

David Perry, Councilmember


Erik Simonsen, Councilmember

- NO -

Norris Clark, Deputy Mayor


Michael E Beck, Mayor

Adopted: Aug. 3, 2015
Attest: 
Julie A Picard, Township Clerk